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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/880,615	06/13/2001	Michael W. Johnson	S63.2-9949	7299
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VIDAS, ARRETT & STEINKRAUS, P.A. 6109 BLUE CIRCLE DRIVE SUITE 2000			EXAMINER	
			COZART, JERMIE E	
MINNETONK	A, MN 55343-9185		ART UNIT	PAPER NUMBER
			3726	1/1
			DATE MAILED: 01/29/2002	7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary    Examiner	_		Application No.	Applicant(s)					
Jernile Cozet   Jernile Cozet   Jazen   ATRAILING DATE of this communication appears on the cover sheet with the correspondence address = Period for Reply	Office Action Summary								
The MAILING DATE of this communication appears on the cover sheet with the correspondence address =  Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM  THE MAILING DATE OF THIS COMMUNICATION.  HE WALLING DATE OF THIS COMMUNICATION.  If the send for entry specification used the provisions of 3 CFR 1.136(s), in no event, however, may a reply be timely flad  and the SX (s) MONTHS from the mailing date of this communication, they wish to be statically minimum of taking (do), days will be considered timely.  If the sended to reply switch to the sendence produced to sendence produced to the sendence p			Examiner	Art Unit					
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2a)  This action is FINAL. 2b) This action is non-final.  3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)  Claim(s) 23-41 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5)  Claim(s) is/are allowed.  6)  Claim(s) is/are rejected.  7)  Claim(s) is/are objected to.  8)  Claim(s) 23-41 are subject to restriction and/or election requirement.  Application Papers  9)  The specification is objected to by the Examiner.  10)  The drawing(s) filed on is/are: a)   accepted or b)   objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11) The proposed drawing correction filed on is: a)   approved b)   disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12) The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. § 119 and 120  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received in Application No.  a) Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a) The translation of the foreign language provisional application has been received.  15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 120 and/or 121.	THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed  Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed  after SIX (6) MONTHS from the mailing date of this communication.  If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.  If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).								
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Application/Control Number: 09/880,615

Art Unit: 3726

## DETAILED ACTION

## Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 23-30 and 32-40, drawn to a method of manufacturing a stent, classified in class 29, subclass 557.
  - II. Claims 31 and 41, drawn to a stent, classified in class 606.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case, the product can be made another materially different process such as winding wire over a mandrel.
- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
- 4. A telephone call was made to Jonathan Grad on January 25, 2002 to request an oral election to the above restriction requirement, but did not result in an election being made.

Application/Control Number: 09/880,615

Art Unit: 3726

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jermie Cozart whose telephone number is 703-305-0126. The examiner can normally be reached on Monday-Thursday, 7:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3579 for regular communications and 703-305-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

S. THOMAS HUGHES SUPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 3700

January 25, 2002